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Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER
SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC., A California Corporation,)	CASE NO.: 3:10-cv-04611-RS
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER FOR DISMISSAL OF
)	LEXINGTON INSURANCE COMPANY
)	
vs.)	
)	
WESTCHESTER SURPLUS LINES)	
INSURANCE COMPANY, a Georgia)	
corporation, and DOES 1 through 50,)	
inclusive,)	
)	
Defendants.)	
<hr/>)	
)	
AND RELATED CROSS-ACTIONS)	
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Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Lexington Insurance Company (“Lexington”), have agreed and hereby stipulate to the dismissal of Lexington from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

1 **IT IS SO STIPULATED.**

2
3 DATE: December 19, 2012

SELVIN WRAITH HALMAN, LLP

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6 By: /s/ Gary R. Selvin
 GARY R. SELVIN
 Attorneys for Third-Party Defendant,
 LEXINGTON INSURANCE COMPANY

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8
9 DATE: December 19, 2012

MORALES, FIERRO & REEVES


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11 By: /s/ David Astengo
 DAVID A. ASTENGO
 Attorneys for Defendant and Third-Party
 Plaintiff, WESTCHESTER SURPLUS LINES
 INSURANCE COMPANY

12
13 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

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15 Having reviewed the above stipulation, the Court orders that Defendant and Third-Party
16 Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint
17 against Third-Party Defendant, Lexington Insurance Company, be dismissed, with prejudice. The
18 remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party
19 Complaint shall not be changed or impacted by this Order.

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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23 Date: 12/20/12

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25 _____
 HONORABLE RICHARD SEEBOURG
 United States District Court
 Northern District of California